IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5911 of 2003
With
SPECIAL CIVIL APPLICATION No. 7879 of 2003
With
SPECIAL CIVIL APPLICATION No. 8939 of 2003

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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INDRAVIJAY SINGH MANUBHAI RANA - Petitioner(s)

Versus

STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR MB GANDHI for Petitioner(s) : 1,
Ms. Archana Raval, AGP for Respondent(s) : 1,
RULE SERVED for Respondent(s) : 2,
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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 24/11/2005

COMMON ORAL JUDGMENT

In this group of petitions, respective petitioners have challenged the orders passed by the District Magistrate, Surendranagar, and confirmed by

the Deputy Secretary (Appeals), Home Department, State of Gujarat, in not renewing the licences which were granted in their favour to possess the weapons which were granted under the provisions of the Arms Act, 1959.

2. Shri M.B. Gandhi, learned advocate appearing on behalf of the respective petitioners has submitted that the impugned decisions were given in the year 2002 considering the circumstances/situation prevalent at the relevant time and things have changed by passage of time. He has further submitted that respective petitioners would be making an appropriate application for grant of the licences afresh which may be directed to be considered in accordance with law and considering the provisions of Section 13 of the Arms Act, 1959.

3. As and when such applications are filed, the competent authority is directed to consider those applications afresh for issuance of licences to possess arms in accordance with law and on merits, and after holding necessary enquiry as required under Section 13 of the Arms Act and the opinion of the concerned authorities prevailing as on today. However, it is made clear that it is ultimately for the competent authority to consider the applications for granting of licence under the Arms Act after holding necessary enquiry under Section 13 of the Act and on the basis of the material and/or the report of

the concerned department/authority. This Court has not expressed any opinion on the merits, i.e., whether licence should be granted in favour of the petitioners or not. However, the said authority is directed to consider the application afresh as stated above. With this observation and direction, the present Special Civil Applications are disposed of. Rule is discharged.

[M.R. Shah, J.]

RMR.